19/42. **File No.** Essential Service Maintenance II/42

Legal DEPARTMENT

B BRANCH

P.9(K) 1942

K

Subject:—

Rules and Notifications under the

Essential Services (Maintenance) Ordinance, 1941

File No. Essential Services

Std. Sectt. Slip 24 B.e.

Maintenance. II/42

261-B

C O N T E N T S.

Legal Department File No. Essential Ser. Maintenance 53/42

Sr. No.	Compilation No.	Subject	Pages
1.	G.N.H.D. (pebl-war) No. H.D./W.692 dt. 25.2.42	Essential Services (Maintenance) Ordinance, 1941 Notfn. under Sec. 3	1-4
2.	G.N.H.D.(Poll-War) No. SD/W 673 dt. 12.3.42	Sec. 3, Notfn under	5-6
3.	G.N.H.D. (Poll - War) No. SD/W 674 dt. 12.3.42	Sec. 3 Notfn under	7-8
4.	U.N. to H.D. (Spl.) No. 132Confl dt. 31. 3. 42.	Sec. 3 Notfn. under	9-14
5.	G.N.H.D.(Poll-War) No. SD/W No. 1492 dt. 7:5:42.	Sec 3 Notfn. under	15-18
6.	G.N.H.D.(Poll-War) No.SD/W/1103 dt. 2.4.42	Sec. 3 Notfn under	19-24
7.	G.N.H.D(Poll-War) No.SDII/2095 dt. 30-6-42.	Sec 7(3) Notfn. under	25-26
8.	U.N. to H.D.(spl) No. 282Con fl dt. 9-7-42	Sec. 3 Notfn. under	27-32
9.	G.N.H.D.(Poll-War) No. SDII/2167 dt. 13.7.42	Sec 3 Notfn under	33-36
10	G.N.H.D.(Poll-War) No.SDII/2227 dt. 18-7.42	Sec. 3 Notfn under	37-40
11.	G.N.H.D.(Poll-War) No. SDII/2460 dt. 12-8-42.	Sec 3 Notfn under	41-44
12.	———	Sec 4 Order under	45-46
13.	H.D.(Poll-War)Notfn No. s.363/1/41(1) dt. 2-9-42	Sec 4 (1) Notfn under	7-48
14	H.D.(Poll-War) No. SDII/2660 dt. 12-9-42.	Sec 3 Notfn under	49-50
15.	H. (Poll-War) No. SDII/3260 dt. 13/11/42	Sec 3 Notfn under	51/52
16.	U.N. to H.D. (Spl). No. 5560onfl dt. 21-12-42	Opinion regarding work charged Notfn. employed on water works	53-54

5 Copies

Office of the H.L.A.

Revised draft notifications in place of the draft notifications at pages 152-54 and pages 157-58 ante are sent herewith.

2. Draft notification at pages 152-54 ante

This notification authorises certain officers to make complaints in respect of of fences against person engaged in employment in connection with the maintenance, working or management of certain bodies, concern or installations. In the case of the Bombay Electric Supply and Tramways Company Ltd. (page 153 ante) some eight officers have been authorised to make complaints. As a question might be raised as to whether all the eight officers togethere must make the complaints, it would be desirable to make it clear that any one of the eight officers can make the complaint by inserting the word "or" after each of the officers as shown at page 153 ante as has been done in the same notification in the case of the Bombay Port Trust and the Bombay Telephone Company Ltd.. Likewise, for the words "the Heads of Departments", the words "any of the Heads of Departments" may be substituted in column 2 of the entry against the Bombay Port Trust as shown at pages 152.

O.C. 2d/H.K.U.
31/3
for Remembrancer of Legal Affairs.

U.P. to H.D. (Spl.) (2) No. 132-Conf1 dated the 31th March 1942.

S.A.K.
5/3/50.
4 Copies

NOTIFICATION.

Home Department (Political-War),

Bombay Castle, 1942.

No. S.D./V- :- In exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance 1941 (Ordinance No. XI of 1941), the Government of Bombay, being of opinion that employment in connection with the maintenance, working or management of the concern specified in the Schedule annexed hereto is essential for securing the public safety and the maintenance of public order and for maintaining supplies and services necessary to the life of the community, is hereby pleased to declare all such employment to be employment to which the said Ordinance applies.

Schedule.

The Bombay Suburban Electric Supply, Limited including its Mains Contractors, Messrs. Callender's Cable and Construction Co., Limited.

By order of the Governor of Bombay.

Secretary to the Government of Bombay,
Home Department.

S.A.N.
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Home Department (Political-War).

Bombay Castle. 1942.

No. S.D./W- Whereas in exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No. XI of 1941), the Government of Bombay has declared, by Government Notification in the Home Department (Political-War) No. S.D./W dated the 1942. all employment in connection with the maintenance, working or management of the concern specified in the first column of the Schedule annexed hereto to be employment to which the said Ordinance applies ;

Now, therefore, in exercise of the powers conferred by section 4 of the said Ordinance, the Government of Bombay is hereby pleased to authorise the officers specified in the second column of the said Schedule to make orders directing that any person or persons engaged in any such employment in connection with the maintenance, working or management of the said concern shall not depart out of such area or areas as may be specified in the orders without their permission.

SCHEDULE.

Name of concern.	Name and designation of officer.
1	2
The Bombay Suburban Electric Supply, Limited, including its Mains Contractors, Messrs. Callender's Cable and Construction Co., Limited.	Mr. A. Patterson, Chief Engineer and Manager. Mr. J.A.Collaco, Assistant Engineer and Manager. Mr. J.C.P.Andrew, Mains Engineer

By order of the Governor of Bombay.

Secretary to the Government of Bombay,
Home Department.

S.A.K.
5/5/56.
4 Copies.

Home Department (Pol-War)

Council Hall, Bombay, July 1942.

NOTIFICATION.

No. - In exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No. XI of 1941), the Government of Bombay, being of the opinion that the employments specified in the Schedule annexed hereto are essential for maintaining supplies and services necessary to the life of the community, is hereby pleased to declare all the said employments to be employments to which the said Ordinance applies.

SCHEDULE

1. Employment as shore staff attending to the S.S."Chandravati" and the S.S. "San Francisco Xavier" at the Ferry Wharf.

2. Employment as shore staff at the ports of Revas and Dharamtar and as crew on boats engaged for the purpose of embarking and disembarking passengers at the said ports.

3. Employment as officers and crew under the Bombay Steam Navigation Company, Ltd., the Indian Co-operative Steam Navigation Company and the Mazgaon Docks Company.

By order of the Governor of Bombay,

Joint Secretary to Government,
Home Department (A.R.P.)

S.A.K.

4 copies

Home Department (Poll-War)

Council Hall , Bom-bay July 1942.

NOTIFICATION.

No. In exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance. 1941 (Ordinance No. XX XI of 1941) the Government of Bombay has declared by Government Notification in the Home Department (Political No. dated all employments specified in the first column of the Schedule annexed hereto to be employments to which the said Ordinance applies:

Now, therefore, in exercise of the powers conferred by section 4 of the said Ordinance, the Government of Bombay is hereby pleased to authorise the officers specified in the second column of the said Schedule to make orders directing that any person or persons engaged in any such employments respectively specified against them in the first column of the said Schedule shall not depart out of such area or areas as may be specified in such orders without their permission

SCHEDULE.

Employment.	Designation of office
1. Employment as shore staff attending to the S.S. "Chandravati" and the S.S. "San Francisco Xavier" at the Ferry Wharf.	The Principal Officer, Mercantile Marine Department, Bombay
2. Employment as shore staff at the ports of Revas and Dharamtar and as crew on boats engaged for the purpose of embarking and disembarking passengers at the said ports.	To be filled in by H.D. after ascertaining.
3. Employment as officers and crew under the Bombay Steam Navigation Company, Ltd. the Indian Co-operative Steam Navigation Company and the Mazagaon Docks Company.	The Principal Officer, Mercantile Marine Department, Bombay.

By order of the Governor of Bombay.

Joint Secretary to Government
Home Department (A.E.P.)

S/5/5/56
4 copies

Office of the R.L.A.

Revised draft notifications are sent herewith.

2. The expression 'officers and crews employed by the Bombay Steam Navigatio n Company, the Indian Co-operative Steam Navigation Company, ~~Rexinstian~~ and the Mazgaon Dock Company' is not an indefinite expression. It does refer to a definite class of employees and there is a legal objection to the inclusion of these employees in the notifications as proposed in the revised drafts. Before issue ~~of the proposed in the revised drafts.~~ of the notifications the R.D. should verify the exact names of the Companies mentioned in item 3 in the Schedule. item 1 in the Schedule refers to "The Ferry Wharf". It is not clear where the Ferry Wharf is situated. Presumbaly it is in the Port of Bombay (see 'A' on page 23). If so the words 'at Bombay' may be inserted in this item after the words "Ferry Wharf".

I.C. P.N.M.

9/7

Remembrancer of Legal Affairs.

U.O. to R.D.(Spl.) - A.R.P., No. 282-Confl dated the 9th July 1940.

S.A.E.
5-9-56.
4 Copies

No. S.D. II/-

ORDER

Whereas employment as petrol pump operators appointed by the Emergency Transport Officer, Bombay under the Emergency Petrol Supply Scheme, being employment under the Crown, is employment to which the Essential Services (Maintenance) Ordinance 1941 (Ordinance No. XI of 1941) applies;

Now, therefore, in exercise of the powers conferred by section 4 of the said Ordinance, the Government of Bombay is hereby pleased to authorise the Secretary, Provincial Transport Authority, Bombay , to make orders directing that any person or persons engaged in the said employment shall not depart out of such area or areas as may be specified in theorders without his permission.

By order of the Governor of Bombay,
Secretary to Government.

S.A.K.
5-5-56.

4 Copies.

Office of the R.L.A.

It appears that the persons engaged on the work-charged establishments in connection with the water works specified in the notification at page 5 ante are not employed by any contractor and paid by him but that they are employed by Government and are directly paid by the Government If so their employment in connection with the aforesaid works will be an employment under the Crown and therefore stated in R.L.A's opinion No. 511-Confl. dated the 23rd November 1942 at p. 13 ante the Essential Services (Maintenance) Ordinance, 1941 automatically applies and no notification under section 3 of the Ordinance would be necessary.

Sd/- P.E.Mees.

21/12
Remembrancer of Legal Arrairs.

U.S to H.D. (Special) No. 556 Confl. 21st December 1942.

S.S.K.
5-5-56.
4 Copies.